

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

**TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

**03-MDL-1570 (GBD)(SN)**

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**KARL AEPELBACHER; GARY  
ALTMAN; TONY ANITRA; JAMES  
ARMSTRONG; JOSEPH BALLETTA;  
MICHAEL BERNIER; JOSEPH  
BILOTTO; MATTHEW BLACK; KEVIN  
BOATWRIGHT; PHILLIP BOYD;  
KEVIN BROSNAN; KEVIN BUCHAL;  
ANTHONY CALDAROLA; CHARLES  
CALIENDO; WAYNE CALLAHAN;  
WILLIAM CAMPBELL; MATTHEW  
CAPUANO; DENISE CAVALIERE;  
HAYDN CHACANA; MICHAEL CLARE;  
MICHAEL COLE; ROBERT CONROY;  
PETER COOGAN; JACQUELINE  
COOPER; ANTHONY D'ANGELO;  
GRABER DANIEL; GENNARO  
DESTEFANO; PAUL DIGIACOMO;  
DONALD DORN; DANIEL DREW;  
CHRISTOPHER DUWE; JOHN EGAN;  
MARIANNE FABOZZI; JEFFREY  
FERNANDES; ROBERT FLEMING;  
DAVID GANDY; BERNARD GANELES;  
STEVEN GIANNITELLI; PHILIP  
GIBBONS; PAUL GLADMAN;  
LAWRENCE GUIDICE; SHAYA  
GUTLEIZER; MICHAEL HANNEY;  
EDWARD HARRIS; ROBERT HENN;  
BRIAN HILDERBRAND; CHARLES  
HUMPHRY; MICHAEL JACKSON;  
GJON JUNCAJ; THOMAS JUNIOR;  
DEAN KOWALSKI; JON LACKEY;  
MICHAEL LANG; MICHAEL  
LEMANOWICZ; KENNETH LEON;  
JIHAN LIPINSKI; MICHAEL  
LIVERZANI; JOHN LOBIANCO;  
EDGAR MALDONADO; STEVEN  
MATTIOLI; BARBARA MCARDLE;**

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**18-CV-12030 (GBD)(SN)**

**SAUDI ARABIA SHORT FORM  
COMPLAINT AND DEMAND FOR  
TRIAL BY JURY**

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**ROBERT MCCROSSEN; DENNIS  
MURPHY ; ROBERT MURPHY;  
TIMOTHY MURPHY; CHRISTOPHER  
NEIDERT; TERENCE OPIOLA; JOSE  
ORTIZ; CHRISTOPHER PADUANO;  
BRIAN PATTON; JAMES PELHAM;  
TYRONE PETERSON; KYNA PHILLIP;  
DON POSTLES; BRIAN RATAJCZAK;  
CARMEN ROLDAN; DAVID ROY;  
JAMES RUOCCHIO ; JOSEPH SALIB;  
MAYO SANCHEZ; GUY SANDERS;  
JOSEPH SAUDO; KENNETH  
SIMONIDES; GEORGE SOMMERS;  
SCOTT STANLEY; THOMAS STONE;  
MICHAEL SWEENEY; RAMON  
TORRES; ROBERT TRESTON; GREG  
VALLERUGO; RAFAEL VEGA; JOHN  
VITALE; CECIL WADE; DARREN  
WALKER; EDWARD WALSH; RORY  
WALSH; LATHEY WIRKUS; MICHAEL  
WOLNIEWICZ; JOSEPH WRIGHT;  
SUZANNE ZIEMBLICKI;**

**Plaintiffs,**

**-against-**

**KINGDOM OF SAUDI ARABIA,**

**Defendant.**

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Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of May 3, 2017, ECF No. 3543. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi

Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

### **VENUE**

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

### **JURISDICTION**

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

### CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**

- ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
- ☐ COUNT IV – Wrongful Death.
- ☐ COUNT VI – Alien Tort Claims Act.
- ☒ COUNT VII – Assault and Battery.
- ☒ COUNT VIII – Conspiracy.
- ☒ COUNT IX – Aiding and Abetting.
- ☒ COUNT X – Intentional Infliction of Emotional Distress.
- ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- ☒ COUNT XV – Trespass.
- ☒ COUNT XVI – Violations of International Law.

- ☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
- ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
- ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_.

#### **IDENTIFICATION OF PLAINTIFFS**

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as "Plaintiffs."

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was

killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
  - a. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

#### **IDENTIFICATION OF THE DEFENDANT**

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

#### **NO WAIVER OF OTHER CLAIMS**

- 4. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.
- 5. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

#### **JURY DEMAND**

- 6. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 20, 2018

Respectfully submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (NY Bar #ME8337)

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*COUNSEL FOR PLAINTIFFS*

**APPENDIX 1**

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	<b>Plaintiff's Name (alphabetical by last name)</b>	<b>Plaintiff's State of Residency at Filing (or death)</b>	<b>Plaintiff's Citizenship/ Nationality on 9/11/2001</b>	<b>9/11 Decedent's Full Name</b>	<b>Plaintiff's Relationship to 9/11 Decedent</b>	<b>9/11 Decedent's Citizenship/ Nationality on 9/11/2001</b>	<b>Nature of Claim (wrongful death, solatium, personal injury)</b>
1	Aepelbacher, Karl	NY	USA				personal injury
2	Altman, Gary	SC	USA				personal injury
3	Anitra, Tony	NY	USA				personal injury
4	Armstrong, James	NY	USA				personal injury
5	Balletta, Joseph	NY	USA				personal injury
6	Bernier, Michael	NY	USA				personal injury
7	Bilotto, Joseph	NY	USA				personal injury
8	Black, Matthew	TN	USA				personal injury
9	Boatwright, Kevin	NY	USA				personal injury
10	Boyd, Phillip	NY	USA				personal injury
11	Brosnan, Kevin	NY	USA				personal injury
12	Buchal, Kevin	NY	USA				personal injury
13	Caldarola, Anthony	NY	USA				personal injury
14	Caliendo, Charles	NY	USA				personal injury



15	Callahan, Wayne	MD	USA				personal injury
16	Campbell, William	NY	USA				personal injury
17	Capuano, Matthew	NY	USA				personal injury
18	Cavaliere, Denise	NY	USA				personal injury
19	Chacana, Haydn	NY	USA				personal injury
20	Clare, Michael	FL	USA				personal injury
21	Cole, Michael	NY	USA				personal injury
22	Conroy, Robert	NY	USA				personal injury
23	Coogan, Peter	NY	USA				personal injury
24	Cooper, Jacqueline	NY	USA				personal injury
25	D'Angelo, Anthony	NY	USA				personal injury
26	Daniel, Graber	NJ	USA				personal injury
27	DeStefano, Gennaro	NY	USA				personal injury
28	DiGiacomo, Paul	NY	USA				personal injury
29	Dorn, Donald	TX	USA				personal injury
30	Drew, Daniel	NY	USA				personal injury
31	Duwe, Christopher	NY	USA				personal injury
32	Egan, John	NY	USA				personal injury
33	Fabozzi, Marianne	NY	USA				personal injury
34	Fernandes, Jeffrey	NY	USA				personal injury
35	Fleming, Robert	PA	USA				personal injury
36	Gandy, David	NY	USA				personal injury
37	Ganeles, Bernard	NY	USA				personal injury

38	Giannitelli, Steven	NY	USA				personal injury
39	Gibbons, Philip	NY	USA				personal injury
40	Gladman, Paul	NY	USA				personal injury
41	Guidice, Lawrence	NY	USA				personal injury
42	Gutleizer, Shaya	NY	USA				personal injury
43	Hanney, Michael	NY	USA				personal injury
44	Harris, Edward	NY	USA				personal injury
45	Henn, Robert	NY	USA				personal injury
46	Hilderbrand, Brian	NY	USA				personal injury
47	Humphry, Charles	NV	USA				personal injury
48	Jackson, Michael	NY	USA				personal injury
49	Juncaj, Gjon	NY	USA				personal injury
50	Junior, Thomas	NY	USA				personal injury
51	Kowalski, Dean	NJ	USA				personal injury
52	Lackey, Jon	NY	USA				personal injury
53	Lang, Michael	NY	USA				personal injury
54	Lemanowicz, Michael	NY	USA				personal injury
55	Leon, Kenneth	FL	USA				personal injury
56	Lipinski, Jihan	NY	USA				personal injury
57	Liverzani, Michael	NY	USA				personal injury
58	LoBianco, John	NY	USA				personal injury
59	Maldonado, Edgar	NY	USA				personal injury
60	Mattioli, Steven	NY	USA				personal injury

61	McArdle, Barbara	NY	USA				personal injury
62	McCrossen, Robert	NY	USA				personal injury
63	Murphy , Dennis	NY	USA				personal injury
64	Murphy, Robert	NY	USA				personal injury
65	Murphy, Timothy	NY	USA				personal injury
66	Neidert, Christopher	NY	USA				personal injury
67	Opiola, Terence	NY	USA				personal injury
68	Ortiz, Jose	NY	USA				personal injury
69	Paduano, Christopher	NY	USA				personal injury
70	Patton, Brian	NY	USA				personal injury
71	Pelham, James	NY	USA				personal injury
72	Peterson, Tyrone	NY	USA				personal injury
73	Phillip, Kyna	NY	USA				personal injury
74	Postles, Don	NY	USA				personal injury
75	Ratajczak, Brian	NY	USA				personal injury
76	Roldan, Carmen	FL	USA				personal injury
77	Roy, David	NY	USA				personal injury
78	Ruocchio , James	NY	USA				personal injury
79	Salib, Joseph	NJ	USA				personal injury
80	Sanchez, Mayo	NY	USA				personal injury
81	Sanders, Guy	NY	USA				personal injury
82	Saudo, Joseph	NY	USA				personal injury
83	Simonides, Kenneth	NY	USA				personal injury

84	Sommers, George	NY	USA				personal injury
85	Stanley, Scott	VA	USA				personal injury
86	Stone, Thomas	NY	USA				personal injury
87	Sweeney, Michael	NY	USA				personal injury
88	Torres, Ramon	NY	USA				personal injury
89	Treston, Robert	NJ	USA				personal injury
90	Vallerugo, Greg	NY	USA				personal injury
91	Vega, Rafael	NY	USA				personal injury
92	Vitale, John	CT	USA				personal injury
93	Wade, Cecil	NY	USA				personal injury
94	Walker, Darren	NY	USA				personal injury
95	Walsh, Edward	NY	USA				personal injury
96	Walsh, Rory	NY	USA				personal injury
97	Wirkus, Lathey	NJ	USA				personal injury
98	Wolniewicz, Michael	NY	USA				personal injury
99	Wright, Joseph	NY	USA				personal injury
100	Ziemblicki, Suzanne	NY	USA				personal injury